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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	79114998
Applicant	Booking.com B.V.
Applied for Mark	BOOKING.COM
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Submission	MOTION TO CONSOLIDATE EX PARTE APPEALS
Attachments	MOTION TO CONSOLIDATE EX PARTE APPEALS.pdf(20032 bytes )
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Date	08/11/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**



In re \_\_\_\_\_, Serial No. 85/485,097  
Applicant: Booking.com B.V.  
Filed: December 1, 2011  
Examining Attorney: Caitlin Watts-Fitzgerald, Law Office 111

In re: **BOOKING.COM**, Serial No. 79/114,998  
Applicant: Booking.com B.V.  
Filed: June 5, 2012  
Examining Attorney: Sharon A. Meier, Law Office 112

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**MOTION TO CONSOLIDATE EX PARTE APPEALS**

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Pursuant to Trademark Board Manual of Procedure §1214, Applicant hereby requests that its *ex parte* appeals in **BOOKING.COM & Design, Serial No. 85/485,097** and **BOOKING.COM, Serial No. 79/114,998** be consolidated for purposes of briefing, oral hearing and final decision.

The appeals in these co-pending applications involve common issues of law and fact. In both cases, the Examining Attorneys have argued that “BOOKING.COM” lacks the capacity to distinguish Applicant’s services from those of others and that, even if the wording is capable of functioning as a mark, Applicant has not proven acquired distinctiveness. Applicant strenuously disputes both positions and contemplates raising very similar issues of law and fact as to both refusals.

Applicant has not yet filed its Appeal Brief in either case, thus the appeals are in the same procedural position.

Consolidation is in the interest of both Applicant and the Trademark Trial and Appeal Board. It will eliminate duplicative filings with the Board and will conserve the Board's judicial resources.

Applicant requests that, if this motion is granted and the two appeals are consolidated, the Board issue a single new scheduling order governing both appeals as one consolidated appeal. Applicant requests that this new scheduling order conform with the most recently resumed appeal, Serial No. 79/114,998.

Respectfully submitted,

FOLEY & LARDNER LLP

Dated: August 11, 2014

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